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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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PACIFIC CHEESE CO., INC., *et. al.*,

Plaintiffs,

v.

ADVANCED COIL TECHNOLOGY, LLC,
et al.,

Defendants.

Case No. 3:15-cv-00351-MMD-VPC

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 289) (“R&R”) relating to two motions: (1) Defendants Advanced Coil Technology, LLC and Phoenix Holdings of Owatonna, Inc.’s (collectively, “ACT”) motion for good faith determination of settlement (“ACT’s Motion”) (ECF Nos. 202, 223),¹ and (2) Defendant Briggs Electric, Inc.’s motion for good faith determination of settlement (“Briggs’ Motion”) (ECF No. 242). The parties had until May 28, 2018 to object to the R&R. (ECF No. 289.) To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and

¹ACT filed a sealed version (ECF No. 202) and a redacted version (ECF No. 223) of the same motion. ACT’s Motion is essentially unopposed. (ECF No. 289 at 1.)

1 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails
2 to object, however, the court is not required to conduct “any review at all . . . of any issue
3 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
4 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
5 magistrate judge’s report and recommendation where no objections have been filed. See
6 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003) (disregarding the
7 standard of review employed by the district court when reviewing a report and
8 recommendation to which no objections were made); see also *Schmidt v. Johnstone*,
9 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in
10 *Reyna-Tapia* as adopting the view that district courts are not required to review “any
11 issue that is not the subject of an objection.”). Thus, if there is no objection to a
12 magistrate judge’s recommendation, then the court may accept the recommendation
13 without review. See *id.* (accepting, without review, a magistrate judge’s recommendation
14 to which no objection was filed).

15 The Magistrate Judge recommends granting ACT’s Motion and Briggs’ Motion
16 after conducting a hearing on the motions. (ECF No. 289.) As noted, no objection has
17 been filed. Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
18 determine whether to adopt Magistrate Judge Cooke’s R&R. Having reviewed the R&R
19 and relevant briefs relating to ACT’s Motion and Briggs’ Motion, this Court finds good
20 cause to accept and adopt the Magistrate Judge’s R&R in full.

21 It is therefore ordered, adjudged and decreed that the Report and
22 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 289) is accepted and
23 adopted in its entirety.

24 It is ordered that Defendants Advanced Coil Technology, LLC and Phoenix
25 Holdings of Owatonna, Inc.’s motions for good faith determination of settlement (ECF
26 Nos. 202, 223) are granted. All claims against ACT, including cross-claims for
27 contribution and indemnity, are dismissed with prejudice.

1 It is further ordered that Defendant Briggs Electric, Inc.'s motion for good faith
2 determination of settlement (ECF No. 242) is granted. All claims against Briggs,
3 including any cross-claims for contribution and indemnity, are dismissed with prejudice.
4 Briggs' motion for summary judgment (ECF No. 195) is denied as moot.

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6 DATED THIS 1st day of June 2018.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE